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October 6, 2021

**VIA ECF**

The Hon. Rachel Kovner  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: In the Application of Makhpal Karibzhanova for Judicial Assistance Pursuant  
to 28 U.S.C. § 1782 (Case No. 21-mc-02056 (RPK))**

To the Honorable Judge Kovner:

Makhpal Karibzhanova (“Applicant”), by and through her attorneys, respectfully writes to update this Court as to the pending application (“Application”) for judicial assistance under 28 U.S.C. § 1782, ECF No. 1, seeking to take discovery in the Eastern District of New York. On July 29, 2021, Aidan Karibzhanov appeared and filed a Motion to Intervene in the proceeding. ECF No. 4. On August 10, 2021, Applicant opposed Mr. Karibzhanov’s motion. ECF No. 6. On October 4, 2021, the Court scheduled a conference to hear the motion to intervene for October 29, 2021.

In the days preceding the Court’s scheduling order, Applicant received information that the two primary targets of the Application might have left the Eastern District. Following the Court’s scheduling order, Applicant confirmed this information. For example, one subpoena recipient named in the Application has offices and resides in Manhattan; however, no one was present in the office to receive a subpoena during the pandemic, and the recipient was then residing in Long Island. *See* ECF No. 3 at 3, 9-10. This past week Applicant managed to serve this recipient pursuant to the § 1782 order issued by Judge Katherine Polk Failla in the United States District Court for the Southern District of New York when he returned to Manhattan. Applicant, therefore, finds that discovery in the Eastern District pursuant to § 1782 is not necessary at this time.

In accordance with Federal Rule of Civil Procedure Rule 41, Applicant voluntarily dismisses the Application without prejudice. Applicant’s investigation and discovery pursuant to the § 1782 Order in the Southern District of New York are ongoing. Should further discovery reveal the existence of significant persons or entities in possession of relevant information located in the Eastern District and not available in the Southern District, Applicant will file a new application pursuant to § 1782 with notice to Mr. Karibzhanov.



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Very truly yours,

A handwritten signature in dark ink, appearing to read "John W. Moscow", is positioned above the printed name.

John W. Moscow